

VILLAGE OF OLD FIELD
BOARD OF TRUSTEES ORGANIZATIONAL MEETING MINUTES
TUESDAY, October 13, 2020 7:00 P.M.

Mayor Bruce Feller-Code Enforcement

Deputy Mayor Stephen Shybunko-Special Projects, Fire & Safety

Trustee Jeffrey Owen-Parks, Building and Street Trees

Trustee Thomas Pirro-Street & Road Repairs

Trustee Tommy Gulbransen-Environmental

Attorney Anthony Guardino

Village Clerk Adrienne Kessel

Village Treasurer Andrea Podolsky

Building Inspector Joseph Arico

Pledge to the Flag and Call to Order

Mayor Feller led the Pledge to the Flag and called the meeting to order to at 7:00 PM.

The Mayor acknowledged the passing of our Village Justice Ted Rosenberg with a moment of silence in his memory. Ted also served this Village as a Trustee from 2008 to 2014, and always remained active in Village issues.

The Village also acknowledges the passing of Don Pius, who served as a past Trustee and as a member of the ZBA, and Ernst (Hasty) Habicht, who served as a trustee from 1999-2007.

Sept. 15 Election Results and Swearing In Ceremony, Terms ending April 2022

Bruce Feller, elected Mayor

Thomas Pirro, reelected as Trustee

Tommy Gulbransen, successful candidate on write in votes, elected as a Trustee

Deputy Mayor Steve Shybunko officiated the swearing in of Mayor Bruce Feller, Trustee Thomas Pirro, and Trustee Tom Gulbransen.

Public Hearing LL 02-2020 Short Term Rentals The public hearing was opened at 7:05 PM, minutes by court reporter.

A LOCAL LAW AMENDING CHAPTER 121 OF THE CODE OF THE VILLAGE OF OLD FIELD TO PROHIBIT SHORT-TERM AND PARTIAL RENTALS OF RESIDENCES

BE IT HEREBY ENACTED, by the Board of Trustees of the Village of Old Field, as follows:

Section 1. Amendments.

Chapter 121 (Zoning), Article II (Permitted and Prohibited Uses) of the Village Code is hereby amended as follows:

§ 121-8 Prohibited uses.

Without being construed to permit by implication any use not heretofore set forth as a permitted use, the following uses are specifically prohibited:

- A. Commercial cutting of native trees and sawing of timber for commercial purposes; the excavation of
- B. gravel, soil, sand and other mineral deposit; and the stripping of sod or topsoil for commercial purposes.
- C. Commercial raising of mushrooms.
- D. Commercial recreation, including polo field, riding club, golf course and similar activities conducted as a business or available to the public for a fee.

- E. Farms for the disposal of garbage; hog ranches; pig and livestock feeding farms; small animal and fur farms.
- F. Laboratory or experimental station, except as an incidental use on the same premises as a college to which such use is accessory, and provided that there in no danger of explosion or radiation therefrom.
- G. Use, storage or parking of automobile trailers designed to be used for human habitation, mobile homes and campers, commercial trucks or trailers on any part of any lot, except that storage or parking thereof shall be permitted in a private garage or behind a screening enclosure approved by the Board of Trustees and located in the rear yard.
- H. Storage or parking of any boats in excess of 14 feet on any part of any lot, except inside a private garage or other accessory building or screening enclosure; storage of boats of less than 14 feet within the front yard of any lot.
- I. No structure, building, dwelling or part thereof shall be altered or constructed in such manner as to contain more than one kitchen. As used in this subsection, the word "kitchen" shall mean any space or floor area used or equipped in such a manner that food is or may be cooked or prepared.
- J. Wind energy conversion systems, either as a principal or accessory use and regardless of whether connected to a public utility or private.
- K. Parking or storage of a motor vehicle or trailer within 60 feet of the front lot line of a property unless said motor vehicle or trailer is parked or stored on an approved driveway or is actively being used in connection with deliveries, repairs, construction or the performing of service to or on the property on which it is parked.
- K. No single-family dwelling or dwelling unit in the Village may be leased or rented for any purpose for a term of less than six consecutive months each time. Notwithstanding the foregoing sentence, a property owner may apply to the Board of Trustees for permission to rent or lease a single-family dwelling or dwelling unit for less than six months. The owner must demonstrate to the Trustees that strict application of this subsection would cause them severe financial hardship that is not self-created. The Board of Trustees shall have sole discretion in determining whether the owner has met their burden. The listing of a single-family dwelling, dwelling unit, or any portion thereof, on a website or digital platform that is used to advertise short-term rental offerings, such as Airbnb, VRBO, or HomeAway, shall create a rebuttable presumption that the dwelling or unit is being operated or used in violation of this section.
- L. The lease or rent of less than an entire single-family dwelling or dwelling unit shall be a violation of this chapter, regardless of the duration of the term. For purposes of clarity, it is the intent of this subsection to prohibit hotels, boarding houses, bed-and-breakfasts, and similar uses wherein one or more rooms within a single-family dwelling or dwelling unit are leased or rented individually for a period of days, weeks, or longer. The listing of a single-family dwelling, dwelling unit, or any portion thereof, on a website or digital platform that is used to advertise short-term rental offerings, such as Airbnb, VRBO, or HomeAway, shall create a rebuttable presumption that the dwelling or unit is being operated or used in violation of this section.

Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be

confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

Section 3. Effective Date.

This local law shall take effect immediately upon filing with the Office of the New York Secretary of State.

The public hearing was adjourned at 7:28 PM, to be held over to the Nov. 10 meeting.

Public Comment

Haley Ogle addressed the Board regarding her open permit, and withdrew her request for an extension or relief based on financial reasons.

Annual Appointments and Resolutions

The Mayor appoints Stephen Shybunko as Deputy Mayor for a one year term.

The Mayor appoints Attorney Mitchell Birzon, as Associate Village Justice for a one year term.

Deputy Mayor Shybunko named Marianne Feller as Village Court Clerk for a one year appointment, from 24.62 hr. to 25.36. Mayor Feller recused.

This appointment was made upon the advice and consent of Village Justice Ted Rosenberg and did not require a resolution of approval from the Board of Trustees.

On a motion by Mayor Feller, and seconded by Trustee Gulbransen, the following appointment was approved 4-0.

Stephen Shybunko, Commissioner of Fire and Special Projects (1 year term) Trustee Shybunko recused.

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointment was approved, 4-0.

Thomas Pirro, Commissioner of Streets and Roads (1 year term) Trustee Pirro recused.

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointment was approved 4-0.

Jeffrey Owen, Commissioner of Parks, Building and Street Trees, (1 year term) Trustee Owen recused.

On a motion by Mayor Feller and seconded by Trustee Owen, the following appointment was approved 4-0.

Trustee Gulbransen Environmental Committee, (1 year term) Trustee Gulbransen recused.

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointments were approved 5-0.

Steven Hayduk, Hayduk Engineering, Village Engineer

Anthony Guardino of Farrell Fritz, Village Attorney

David M. Kaufman, Prosecuting Attorney

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointments were approved 5-0.

Richard Sobel as Chair of the ZBA for a one year term.

Rob Mathews as an alternate for the ZBA for a two year term.

Tom Boyle as an alternate for the ZBA for a two year term.

On a motion by Mayor Feller and seconded by Trustee Shybunko, the following appointments were approved 4-0. Trustee Gulbransen recused.

Environmental Council (1 year)

Trustee Tom Gulbransen, Chair
Haig Seferian
John Lehner
Christine D'Alessandro
Laurie Shroyer

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointment was approved 5-0.

Thomas Taranto, Commissioner for the Port Jefferson Harbor Management Complex, (1 year term)

Village Clerk

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointment was approved with a 3% salary increase.

Adrienne Kessel as Village Clerk and Tax Collector, Registrar of Vital Records, for a one year appointment, from 31.83 hr., to 32.78

Village Treasurer

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointment was approved with a 3% salary increase, 5-0.

Andrea Podolsky as Village Treasurer and Deputy Registrar of Vital Records for a one year appointment, from 31.83 hr. to 32.78

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointment was approved 5-0.

Building Inspector

Joe Arico, Building Inspector, at an annual salary of \$30,000

Code Enforcement

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the following appointments were approved with a 3% salary increase, 5-0.

Senior Code Enforcement Frank Croce, part-time in-house title of Chief, for a one year appointment, from 31.16 hr. to 32.09

Captain Joseph Matthews as a part-time Code Enforcement Officer for a one year appointment, from 30.90 hr. to 31.83

Joseph Bica as a part-time Code Enforcement Officer for a one year appointment, from 24.78 hr. to 25.52

Gary Borowski as a part-time Code Enforcement Officer for a one year appointment from, 24.78 hr. to 25.52

Frank Zeoli as a part-time Code Enforcement Officer for a one year appointment from, 24.78 hr. to 25.52

Robert Anderson as a part-time Code Enforcement Officer for a one year appointment, from 24.78 hour to 25.52

Dave Cafarella as part-time Code Enforcement Officer for a one year appointment, from 24.78 hr. to 25.52

John Cronin as part-time Code Enforcement Officer for a one year appointment, from 24.78 hr. to 25.52

Paul Wasielewski as part-time Code Enforcement Officer for a one year appointment, from 24.78 hr. to 25.52

Michael Dominquez as part-time Code Enforcement Officer for a one year appointment, from 24.78 hr. to 25.52

Douglas Murphy as a part-time Code Enforcement Officer for a one year appointment, from 27.81 hr. to 28.64

On a motion by Mayor Feller, seconded by Trustee Shybunko, the Board approved the following 5-0.

Robert Egan, terminated as of May 23, 2020, to receive retroactive pay from April 1 to May 23, 2020 from 27.94 to 28.78.

Michael Nuzzo, resigned as of June 22, 2020, to receive retroactive pay from April 1 to June 22, 2020 from 28.78 to 29.64.

Mayor Feller reappointed the following for a one year license renewal:

Official Newspaper – Village Times

Depositories – HSBC Bank, Bank of New York

Animal Warden – Jean Darrow

Historian – Charlene Seifert

On a motion by Mayor Feller, seconded by Trustee Shybunko, the Board approved the following 5-0.

Advance Approval of Claims

Fixed Mileage Allowance

Procurement Policy

Schedule of Meetings: The Board of Trustees work sessions are held at 6:00 p.m. at the Lighthouse the first Thursday after the first Tuesday of each month. The Board of Trustees regularly scheduled meetings are held at 7:00 p.m. at the Keeper’s Cottage on the following Tuesday. No meetings are scheduled in August.

Policy & Procedures Manual

Electronic Use Policy

Sexual Harassment Policy

Investment Policy

On a motion by Mayor Feller and seconded by Trustee Gulbransen, the Board authorizes the following appointed officials to live outside the Village, 5-0.

Village Clerk

Treasurer

Court Clerk

Chief Senior Code Enforcement Officer

Part-time Code Enforcement Officers

Building Inspector

Village Engineer

Village Attorneys

Prosecuting Attorney

On a motion by Trustee Shybunko, seconded by Trustee Gulbransen, the Board approved employees of the Village to attend schools, conferences, seminars, etc. conducted for the benefit of the Village, with prior Board approval, 5-0.

Monthly Meeting

Building

- On a motion by Mayor Feller, seconded by Trustee Gulbransen, the Board approved 5-0, Kevin DeGore, 8 Crane Neck Rd., permit #2020-0026 for 216 sq. ft., 2nd floor extension, for closet and new bathroom.
- On a motion by Mayor Feller, seconded by Trustee Gulbransen, the Board approved 5-0, Kevin DeGore, 8 Crane Neck Rd., permit #2020-0028 for a 20 x 24 outdoor pavilion with wood burning fireplace.
- On a motion by Mayor Feller, seconded by Trustee Shybunko, the Board approved 5-0, Robert Beals and Elizabeth Barton, 8 Childs Lane, permit #2020-0027, for demolition only of approx. 9000 sq. ft., (walls, floors, ceilings, kitchen, fixtures, all plumbing capped), no change to foot print, for future renovation.
- On a motion by Mayor Feller, seconded by Trustee Shybunko, the Board approved 5-0, Sassone, Aaron, 7 Woodcock Lane, Permit # 2020-0024, demo of a one family dwelling.
- Shybunko, the Board approved 5-0 Abrahamsen, Stan, 4 West Gate Lane, permit # 2020-0025, for demolition only of interior sheetrock, wall and tile, in preparation of future renovation.
- On a motion by Mayor Feller, seconded by Trustee Shybunko, the Board approved 4-1, Jeff Puma, 10 Flax Pond Woods Road, permit # 2020-0030, for the installation of a generator. Trustee Gulbransen voted nay.

Minutes

- On a motion by Trustee Shybunko, seconded by Mayor Feller, the Board approved 5-0 the minutes of Sept. 8, 2020, as amended to include approval of building permit #2020-0021, Douglas Mason for a garden shed, on condition of filing the C&R's for the carriage house.

Justice Court Audit

- On a motion by Trustee Pirro, seconded by Trustee Gulbransen, the Board approved 5-0 the Village Justice Court certified annual audit as presented by Cullen & Danowski, Village auditors, year ending February 29, 2020.

Treasurer

- On a motion by Trustee Shybunko, seconded by Mayor Feller, the Board approved 5-0 the warrants and Treasurer's Report as presented for Sept., 2020.
- On a motion by Trustee Pirro, seconded by Trustee Gulbransen, the Board approved 5-0 the Village of Old Field certified annual audit as presented by Cullen & Danowski, Village auditors, year ending February 29, 2020.

Code Report

- Mayor Feller noted that the vast majority of Code Enforcement efforts are for house checks.

New Business

- On a motion by Trustee Gulbransen, seconded by Trustee Shybunko, the Board approved the proposal from R & M Engineering for the engineering services only to repair the revetment located s/e of the Lighthouse, and the guard rail, and authorized Mayor Feller to sign the offered proposal at \$16,450, 5-0.
- On a motion by Trustee Shybunko, seconded by Mayor Feller, the Board adopted the new NYS Disposal Schedule LSG-1, the guidelines for the proper disposal of government records, by resolution, 5-0.
- On a motion by Mayor Feller, seconded by Trustee Shybunko, the Board approved the following proposed amendment to Local Law re Chapter 53, Hunting, Shooting and Trapping, to comply with NYS laws, **to be heard at a Public Hearing on Nov. 19, 7:00 PM, 5-0.**

A LOCAL LAW AMENDING CHAPTER 53 OF THE CODE OF THE VILLAGE OF OLD FIELD REGARDING THE DISCHARGE OF FIREARMS AND USE OF OTHER HUNTING IMPLEMENTS

BE IT HEREBY ENACTED, by the Board of Trustees of the Village of Old Field, as follows:

Section 1. Amendments.

Chapter 53 (Hunting, Shooting and Trapping), Article I (Hunting and Discharge of Firearms) of the Village Code is hereby amended as follows:

§ 53-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

FIREARM

Any rifle, pistol, shotgun or muzzle loading firearm which by force of gunpowder, or an air gun as defined in 6 NYCRR 180.3(b), that expels a missile or projectile capable of killing, wounding or otherwise inflicting physical damage upon fish, wildlife or other animals.

§ 52-2. Restrictions on the discharge of firearms and use of hunting implements.

A. The discharge of firearms and use of other hunting implements in the Village shall be governed by Section 11-0931 of the Environmental Conservation Law and 6 NYCRR, Chapter I, Subpart A (Hunting).

B. Notwithstanding the above, the discharge of firearms is prohibited on a parcel that is less than 10 acres in size.

Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof declared by said court to be invalid.

Section 3. Effective Date.

This local law shall take effect immediately upon filing with the Office of the New York Secretary of State.

Old Business

- Cell phone update. No additional available information at this time.

Commissioners Reports:

Mayor Feller- Code Enforcement

Trustee Shybunko-Special Projects

Trustee Owen-Parks, Building, Street Trees

Thomas Pirro-Street & Road Repairs

Trustee Tom Gulbransen-Fire, Safety and Environmental

Additional Public Comments

Haley Ogle discussed an incident with a Code Officer that happened in Sept. Mayor Feller suggested if this were to happen again that she asks for the officer's name and contact Chief of Code Frank Croce.

Adjournment

Motion to adjourn by Mayor Feller, seconded by Trustee Owen.

Calendar Next work session on Thursday, Nov. 5, 6:00 PM, Board meeting Nov. 10, 7:00 PM, at the Keeper's Cottage. Masks and social distancing required.